

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

11 DEVONTA MACDONALD,

No. 2:22-cv-00742-TLN-KJN

12 Petitioner,

13 v.

ORDER

14 DANIEL CUEVA, Acting Warden,
15 California Medical Facility,¹

16 Respondent.

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18 Petitioner, a state prisoner proceeding through counsel, filed this application for a writ of
19 habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On August 21, 2023, the magistrate judge filed findings and recommendations herein
22 which were served on all parties, and which contained notice to all parties that any objections to
23 the findings and recommendations were to be filed within fourteen days. Petitioner filed
24 objections to the findings and recommendations.

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this

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27 ¹ The current Acting Warden of the California Medical Facility is Daniel Cueva, who is
28 substituted as respondent in this matter. Fed. R. Civ. P. 25(d); *see Brittingham v. United States*,
982 F.2d 378, 379 (9th Cir. 1992).

1 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
2 Court finds the findings and recommendations to be supported by the record and by proper
3 analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Current Acting Warden Daniel Cueva is substituted as respondent;

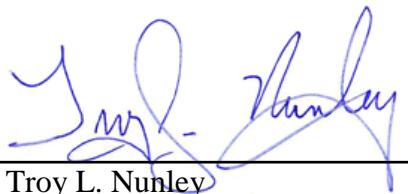
6 2. The findings and recommendations filed August 21, 2023 (ECF No. 13) are
7 **ADOPTED IN FULL;**

8 3. Petitioner's application for a writ of habeas corpus (ECF No. 1) is DENIED;

9 4. The Court declines to issue the certificate of appealability referenced in 28 U.S.C.
10 § 2253; and

11 5. The Clerk of Court is directed to close this case.

12 Date: September 7, 2023

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Troy L. Nunley
United States District Judge